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House of Representatives
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HB 2704

Introduced by
Representatives Hershberger, Bradley, Senator Landrum Taylor:
Representatives Anderson, Campbell CH, DeSimone, McGuire, Senators Hale,
Rios, Soltero

AN ACT

**AMENDING SECTIONS 8-201, 8-802, 8-804 AND 8-811, ARIZONA REVISED STATUTES;
RELATING TO CHILD PROTECTIVE SERVICES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide reasonable
7 support and to maintain regular contact with the child, including providing
8 normal supervision. Abandoned includes a judicial finding that a parent has
9 made only minimal efforts to support and communicate with the child. Failure
10 to maintain a normal parental relationship with the child without just cause
11 for a period of six months constitutes prima facie evidence of abandonment.

12 2. "Abuse" means the infliction or allowing of physical injury,
13 impairment of bodily function or disfigurement or the infliction of or
14 allowing another person to cause serious emotional damage as evidenced by
15 severe anxiety, depression, withdrawal or untoward aggressive behavior and
16 which emotional damage is diagnosed by a medical doctor or psychologist
17 ~~pursuant to section 8-821~~ and is caused by the acts or omissions of an
18 individual having care, custody and control of a child. Abuse includes:

19 (a) Inflicting or allowing sexual abuse pursuant to section 13-1404,
20 sexual conduct with a minor pursuant to section 13-1405, sexual assault
21 pursuant to section 13-1406, molestation of a child pursuant to section
22 13-1410, commercial sexual exploitation of a minor pursuant to section
23 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest
24 pursuant to section 13-3608 or child prostitution pursuant to section
25 13-3212.

26 ~~(b) Physical injury to a child that results from abuse as described in~~
27 ~~section 13-3623, subsection C.~~

28 (b) PERMITTING A CHILD TO ENTER OR REMAIN IN ANY STRUCTURE OR VEHICLE
29 IN WHICH VOLATILE, TOXIC OR FLAMMABLE CHEMICALS ARE FOUND OR EQUIPMENT IS
30 POSSESSED BY ANY PERSON FOR THE PURPOSE OF MANUFACTURING A DANGEROUS DRUG AS
31 DEFINED IN SECTION 13-3401.

32 (c) UNREASONABLE CONFINEMENT OF A CHILD.

33 3. "Adult" means a person who is eighteen years of age or older.

34 4. "Adult court" means the appropriate justice court, municipal court
35 or criminal division of the superior court that has jurisdiction to hear
36 proceedings concerning offenses committed by juveniles as provided in
37 sections 8-327 and 13-501.

38 5. "Award" or "commit" means to assign legal custody.

39 6. "Child", "youth" or "juvenile" means an individual who is under the
40 age of eighteen years.

41 7. "Complaint" means a written statement of the essential facts
42 constituting a public offense that is any of the following:

43 (a) Made on an oath before a judge or commissioner of the superior
44 court or an authorized juvenile hearing officer.

45 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or
2 employee that swears on information and belief to the accuracy of the
3 complaint pursuant to section 13-4261.

4 8. "Custodian" means a person, other than a parent or legal guardian,
5 who stands in loco parentis to the child or a person to whom legal custody of
6 the child has been given by order of the juvenile court.

7 9. "Delinquency hearing" means a proceeding in the juvenile court to
8 determine whether a juvenile has committed a specific delinquent act as set
9 forth in a petition.

10 10. "Delinquent act" means an act by a juvenile that if committed by an
11 adult would be a criminal offense or a petty offense, a violation of any law
12 of this state, or of another state if the act occurred in that state, or a
13 law of the United States, or a violation of any law that can only be violated
14 by a minor and that has been designated as a delinquent offense, or any
15 ordinance of a city, county or political subdivision of this state defining
16 crime. Delinquent act does not include an offense under section 13-501,
17 subsection A or B if the offense is filed in adult court. Any juvenile who
18 is prosecuted as an adult or who is remanded for prosecution as an adult
19 shall not be adjudicated as a delinquent juvenile for the same offense.

20 11. "Delinquent juvenile" means a child who is adjudicated to have
21 committed a delinquent act.

22 12. "Department" means the department of economic security.

23 13. "Dependent child":
24

(a) Means a child who is adjudicated to be:

25 (i) In need of proper and effective parental care and control and who
26 has no parent or guardian, or one who has no parent or guardian willing to
27 exercise or capable of exercising such care and control.

28 (ii) Destitute or who is not provided with the necessities of life,
29 including adequate food, clothing, shelter or medical care.

30 (iii) A child whose home is unfit by reason of abuse, neglect, cruelty
31 or depravity by a parent, a guardian or any other person having custody or
32 care of the child.

33 (iv) Under the age of eight years and who is found to have committed
34 an act that would result in adjudication as a delinquent juvenile or
35 incorrigible child if committed by an older juvenile or child.

36 (v) Incompetent or not restorable to competency and who is alleged to
37 have committed a serious offense as defined in section 13-604.

38 (b) Does not include a child who in good faith is being furnished
39 Christian Science treatment by a duly accredited practitioner if none of the
40 circumstances described in subdivision (a) of this paragraph exists.

41 14. "Detention" means the temporary confinement of a juvenile who
42 requires secure care in a physically restricting facility that is completely
43 surrounded by a locked and physically secure barrier with restricted ingress
44 and egress for the protection of the juvenile or the community pending court
45 disposition or as a condition of probation.

1 15. "HEALTH PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
2 32-3201.

3 ~~15-~~ 16. "Incorrigible child" means a child who:

4 (a) Is adjudicated as a child who refuses to obey the reasonable and
5 proper orders or directions of a parent, guardian or custodian and who is
6 beyond the control of that person.

7 (b) Is habitually truant from school as defined in section 15-803,
8 subsection C.

9 (c) Is a runaway from the child's home or parent, guardian or
10 custodian.

11 (d) Habitually behaves in such a manner as to injure or endanger the
12 morals or health of self or others.

13 (e) Commits any act constituting an offense that can only be committed
14 by a minor and that is not designated as a delinquent act.

15 (f) Fails to obey any lawful order of a court of competent
16 jurisdiction given in a noncriminal action.

17 ~~16-~~ 17. "Independent living program" includes a residential program
18 with supervision of less than twenty-four hours a day.

19 ~~17-~~ 18. "Juvenile court" means the juvenile division of the superior
20 court when exercising its jurisdiction over children in any proceeding
21 relating to delinquency, dependency or incorrigibility.

22 ~~18-~~ 19. "Law enforcement officer" means a peace officer, sheriff,
23 deputy sheriff, municipal police officer or constable.

24 ~~19-~~ 20. "Medical director of a mental health agency" means a
25 psychiatrist, or licensed physician experienced in psychiatric matters, who
26 is designated in writing by the governing body of the agency as the person in
27 charge of the medical services of the agency, or a psychiatrist designated by
28 the governing body to act for the director. The term includes the
29 superintendent of the state hospital.

30 ~~20-~~ 21. "Mental health agency" means any private or public facility
31 that is licensed by this state as a mental health treatment agency, a
32 psychiatric hospital, a psychiatric unit of a general hospital or a
33 residential treatment center for emotionally disturbed children and that uses
34 secure settings or mechanical restraints.

35 ~~21-~~ 22. "Neglect" or "neglected" means:

36 (a) The inability or unwillingness of a parent, guardian or custodian
37 of a child to provide that child with supervision, food, clothing, shelter or
38 medical care if that inability or unwillingness causes ~~substantial~~ A risk of
39 harm to the child's health or welfare, except if the inability of a parent,
40 ~~or~~ guardian OR CUSTODIAN to provide services to meet the needs of a child
41 with a disability or chronic illness is solely the result of the
42 unavailability of reasonable services.

43 (b) AS DETERMINED BY A HEALTH PROFESSIONAL BASED ON CLINICAL
44 INDICATORS IN THE PRENATAL PERIOD, INCLUDING MATERNAL AND NEWBORN
45 PRESENTATION, HISTORY OF SUBSTANCE USE OR ABUSE OR MEDICAL HISTORY, OR BY THE

1 RESULTS OF A TOXICOLOGY OR OTHER LABORATORY TEST ON THE MOTHER OR THE NEWBORN
2 INFANT, THAT A NEWBORN INFANT WAS EXPOSED PRENATALLY TO A DRUG OR SUBSTANCE
3 LISTED IN SECTION 13-3401 AND THAT THIS EXPOSURE WAS NOT THE RESULT OF A
4 MEDICAL TREATMENT ADMINISTERED TO THE MOTHER OR THE NEWBORN INFANT BY A
5 HEALTH PROFESSIONAL.

6 (c) DIAGNOSIS BY A HEALTH PROFESSIONAL OF AN INFANT UNDER ONE YEAR OF
7 AGE WITH CLINICAL FINDINGS CONSISTENT WITH FETAL ALCOHOL SYNDROME OR FETAL
8 ALCOHOL EFFECTS.

9 (d) DELIBERATE EXPOSURE OF A CHILD BY A PARENT, GUARDIAN OR CUSTODIAN
10 TO SEXUAL CONDUCT AS DEFINED IN SECTION 13-3551 OR TO SEXUAL CONTACT, ORAL
11 SEXUAL CONTACT OR SEXUAL INTERCOURSE AS DEFINED IN SECTION 13-1401,
12 BESTIALITY AS PRESCRIBED IN SECTION 13-1411 OR EXPLICIT SEXUAL MATERIALS AS
13 DEFINED IN SECTION 13-3507.

14 (e) ANY OF THE FOLLOWING ACTS COMMITTED BY THE CHILD'S PARENT,
15 GUARDIAN OR CUSTODIAN WITH RECKLESS DISREGARD AS TO WHETHER THE CHILD IS
16 PRESENT:

17 (i) SEXUAL CONTACT AS DEFINED IN SECTION 13-1401.

18 (ii) ORAL SEXUAL CONTACT AS DEFINED IN SECTION 13-1401.

19 (iii) SEXUAL INTERCOURSE AS DEFINED IN SECTION 13-1401.

20 (iv) BESTIALITY PURSUANT TO SECTION 13-1411.

21 23. "NEWBORN INFANT" MEANS A CHILD WHO IS UNDER THIRTY DAYS OF AGE.

22 ~~22-~~ 24. "Petition" means a written statement of the essential facts
23 that allege delinquency, incorrigibility or dependency.

24 25. "PHYSICAL INJURY" MEANS ANY:

25 (a) SKIN BRUISING.

26 (b) PRESSURE SORE.

27 (c) BLEEDING.

28 (d) FAILURE TO THRIVE.

29 (e) MALNUTRITION.

30 (f) DEHYDRATION.

31 (g) BURN.

32 (h) FRACTURE OF ANY BONE.

33 (i) SUBDURAL HEMATOMA.

34 (j) SOFT TISSUE SWELLING.

35 (k) INJURY TO ANY INTERNAL ORGAN.

36 (l) OTHER CONDITION THAT IMPERILS A CHILD'S HEALTH OR WELFARE.

37 ~~23-~~ 26. "Prevention" means the creation of conditions, opportunities
38 and experiences that encourage and develop healthy, self-sufficient children
39 and that occur before the onset of problems.

40 ~~24-~~ 27. "Protective supervision" means supervision that is ordered by
41 the juvenile court of children who are found to be dependent or incorrigible.

42 ~~25-~~ 28. "Referral" means a report that is submitted to the juvenile
43 court and that alleges that a child is dependent or incorrigible or that a
44 juvenile has committed a delinquent or criminal act.

~~26-~~ 29. "Secure care" means confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

~~27-~~ 30. "Serious emotional injury" means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

(a) Seriously impairs mental faculties.

(b) Causes serious anxiety, depression, withdrawal or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.

(c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~28-~~ 31. "Serious physical injury" means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:

(a) Creates a reasonable risk of death.

(b) Causes serious or permanent disfigurement.

(c) Causes significant physical pain.

(d) Causes serious impairment of health.

(e) Causes the loss or protracted impairment of an organ or limb.

(f) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~29-~~ 32. "Shelter care" means the temporary care of a child in any public or private facility or home that is licensed by this state and that offers a physically nonsecure environment that is characterized by the absence of physically restricting construction or hardware and that provides the child access to the surrounding community.

Sec. 2. Section 8-802, Arizona Revised Statutes, is amended to read:

8-802. Child protective services worker; fingerprint clearance cards; powers and duties; alteration of files; violation; classification

A. The department of economic security shall employ child protective services workers. All persons who are employed as child protective services workers shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1 or shall apply for a fingerprint clearance card within seven working days of employment. A child protective services worker shall certify on forms that are provided by the department of economic security and that are notarized whether the worker is awaiting trial

1 on or has ever been convicted of any of the criminal offenses listed in
2 section 41-1758.03, subsections B and C in this state or similar offenses in
3 another state or jurisdiction.

4 B. The department may cooperate with county agencies and community
5 social services agencies to achieve the purposes of this section.

6 C. A child protective services worker shall:

7 1. Promote the safety and protection of children.

8 2. Accept, screen and assess reports of abuse or neglect pursuant to
9 section 8-817.

10 3. Receive reports of dependent, abused or abandoned children and be
11 prepared to provide temporary foster care for ~~such~~ THESE children on a
12 twenty-four hour basis.

13 4. Receive from any source oral or written information regarding a
14 child who may be in need of protective services. A worker shall not
15 interview a child without the prior written consent of the parent, guardian
16 or custodian of the child unless either:

17 (a) The child initiates contact with the worker.

18 (b) The child who is interviewed is the subject of or is the sibling
19 of or living with the child who is the subject of an abuse or abandonment
20 investigation pursuant to paragraph 5, subdivision (b) of this subsection.

21 5. After the receipt of any report or information pursuant to
22 paragraph 2, 3 or 4 of this subsection, immediately do both of the following:

23 (a) Notify the municipal or county law enforcement agency.

24 (b) Make a prompt and thorough investigation of the nature, extent and
25 cause of any condition that would tend to support or refute the allegation
26 that the child should be adjudicated dependent and the name, age and
27 condition of other children in the home. An extremely serious conduct
28 allegation shall be investigated according to the protocols established
29 pursuant to section 8-817 with the appropriate municipal or county law
30 enforcement agency as provided in section 8-817.

31 6. Take a child into temporary custody as provided in section 8-821.
32 Law enforcement officers shall cooperate with the department to remove a
33 child from the custody of the child's parents, guardian or custodian when
34 necessary.

35 7. After investigation, evaluate conditions created by the parents,
36 guardian or custodian that would support or refute the allegation that the
37 child should be adjudicated dependent. The child protective services worker
38 shall then determine whether any child is in need of protective services.

39 8. Offer to the family of any child who is found to be a child in need
40 of protective services those services that are designed to correct unresolved
41 problems that would indicate a reason to adjudicate the child dependent.

42 9. Submit a written report of the worker's investigation to:

43 (a) The department's case management information system within
44 ~~twenty-one days~~ A REASONABLE TIME PERIOD THAT DOES NOT EXCEED SIXTY DAYS
45 after receipt of the initial information except as provided in section 8-811.

1 If the investigation involves allegations regarding a child who at the time
2 of the alleged incident was in the custody of a child welfare agency licensed
3 by the department of economic security under this title, a copy of the report
4 and any additional investigative or other related reports shall be provided
5 to the board of directors of the agency or to the administrative head of the
6 agency unless the incident is alleged to have been committed by the person.
7 The department shall excise all information with regard to the identity of
8 the source of the reports.

9 (b) The appropriate court forty-eight hours before a dependency
10 hearing pursuant to a petition of dependency or within twenty-one days after
11 a petition of dependency is filed, whichever is earlier. On receipt of the
12 report the court shall make the report available to all parties and counsel.

13 10. Accept a child into voluntary placement pursuant to section 8-806.

14 D. No child shall remain in temporary custody for a period exceeding
15 seventy-two hours, excluding Saturdays, Sundays and holidays, unless a
16 dependency petition is filed. If no petition is filed and the child is
17 released to the child's parent, guardian or custodian, the worker shall file
18 a report of removal with the central registry within seventy-two hours of the
19 child's release. The report shall include:

20 1. The dates of previous referrals, investigations or temporary
21 custody.

22 2. The dates on which other children in the family have been taken
23 into temporary custody.

24 E. The department shall provide child protective services workers who
25 investigate allegations of abuse and neglect with training in forensic
26 interviewing and processes, the protocols developed pursuant to section 8-817
27 and relevant law enforcement procedures. All child protective services
28 workers shall be trained in their duty to protect the legal rights of
29 children and families from the time of the initial contact through treatment.
30 The training for child protective services workers shall also include
31 instruction on the legal rights of parents and the requirements for legal
32 search and seizure by law enforcement officers.

33 F. In conducting an investigation pursuant to this section, if the
34 worker is made aware that an allegation of abuse or neglect may also have
35 been made in another state, the worker shall contact the appropriate agency
36 in that state to attempt to determine the outcome of any investigation of
37 that allegation.

38 G. Any person who alters a client file for the purpose of fraud or
39 misrepresentation is guilty of a class 2 misdemeanor.

40 Sec. 3. Section 8-804, Arizona Revised Statutes, is amended to read:
41 8-804. Central registry; notification

42 A. The department of economic security shall maintain a central
43 registry of reports of child abuse and neglect that are substantiated and the
44 outcome of the investigation of these reports made under this article. AN
45 ADJUDICATION OF DEPENDENCY MADE PURSUANT TO SECTION 8-844 SHALL BE RECORDED

1 AS A SUBSTANTIATED FINDING OF CHILD ABUSE OR NEGLECT. The department shall
2 incorporate duplicate reports on the same incident in the original report and
3 shall not classify duplicate reports as new reports.

4 B. Information contained in the central registry shall be used by the
5 department only for the following purposes:

6 1. To conduct background checks as one factor to determine
7 qualifications for foster home licensing, adoptive parent certification,
8 child care home certification, registration of unregulated child care homes
9 with the child care resource and referral system, and home and community
10 based services certification for services to children.

11 2. To conduct background checks as one factor to determine
12 qualifications for persons applying for employment with this state in
13 positions that provide direct service to children or vulnerable adults and
14 persons applying for contracts with this state, including employees of the
15 potential contractor, for positions that provide direct service to children
16 or vulnerable adults.

17 3. To identify and review reports concerning individual children and
18 families, in order to facilitate the assessment of risk.

19 4. To determine the nature and scope of child abuse and neglect in
20 this state and to provide statewide statistical and demographic information
21 concerning trends in child abuse and neglect.

22 5. To allow comparisons of this state's statistical data with national
23 data.

24 6. To comply with section 8-804.01, subsection B.

25 C. If the department received a report before September 1, 1999 and
26 determined that the report was substantiated, the department shall maintain
27 the report in the central registry until eighteen years from the child
28 victim's date of birth.

29 D. If the department received a report on or after September 1, 1999
30 and determined that the report was substantiated, the department shall
31 maintain the report in the central registry for twenty-five years after the
32 date of the report.

33 E. The department shall annually purge reports and investigative
34 outcomes received pursuant to the time frames prescribed in subsections C and
35 D of this section.

36 F. Any person who was the subject of a child protective services
37 investigation may request confirmation that the department has purged
38 information about the person pursuant to subsection E of this section. On
39 receipt of this request, the department shall provide the person with written
40 confirmation that the department has no record containing identifying
41 information about that person.

42 Sec. 4. Section 8-811, Arizona Revised Statutes, is amended to read:

43 8-811. Hearing process; definitions

44 A. The department shall notify a person who is alleged to have abused
45 or neglected a child that the department intends to substantiate the

1 allegation in the central registry pursuant to section 8-804 and of that
2 person's right:

3 1. To receive a copy of the report containing the allegation.

4 2. To a hearing before the entry into the central registry pursuant to
5 section 8-802, subsection ~~B~~ C, paragraph 9, subdivision (a).

6 B. The department shall send the notice prescribed in subsection A of
7 this section by first class mail no more than fourteen days after completion
8 of the investigation.

9 C. A request for a hearing on the proposed finding must be received by
10 the department within fourteen days after receipt of the notice.

11 D. The department shall not disclose any information related to the
12 investigation of the allegation except as provided in sections 8-802, 8-807
13 and 13-3620.

14 E. If a request for a hearing is made pursuant to subsection C of this
15 section, the department shall conduct a review before the hearing. The
16 department shall provide an opportunity for the accused person to provide
17 written or verbal information to support the position that the department
18 should not substantiate the allegation. If the department determines that
19 there is no probable cause that the accused person engaged in the alleged
20 conduct, the department shall amend the information or finding in the report
21 and shall notify the person and a hearing shall not be held.

22 F. Notwithstanding section 41-1092.03, the notification prescribed in
23 subsection A of this section shall also state that if the department does not
24 amend the information or finding in the report as prescribed in subsection E
25 of this section within sixty days after it receives the request for a hearing
26 the person has a right to a hearing unless:

27 1. The person is a party in a civil, criminal or administrative
28 proceeding in which the allegations of abuse or neglect are at issue.

29 2. A court or administrative law judge has made findings as to the
30 alleged abuse or neglect.

31 3. A COURT HAS MADE A FINDING OF DEPENDENCY PURSUANT TO SECTION 8-844.

32 G. If the department does not amend the information or finding in the
33 report as prescribed in subsection E of this section, the department shall
34 notify the office of administrative hearings of the request for a hearing no
35 later than five days after completion of the review. The department shall
36 forward all records, reports and other relevant information with the request
37 for hearing within ten days. The department shall redact the identity of the
38 reporting source before transmitting the information to the office of
39 administrative hearings.

40 H. The office of administrative hearings shall hold a hearing pursuant
41 to title 41, chapter 6, article 10, with the following exceptions:

42 1. A child who is the victim of or a witness to abuse or neglect is
43 not required to testify at the hearing.

1 2. A child's hearsay statement is admissible if the time, content and
2 circumstances of that statement are sufficiently indicative of its
3 reliability.

4 3. The identity of the reporting source of the abuse or neglect shall
5 not be disclosed without the permission of the reporting source.

6 4. The reporting source is not required to testify.

7 5. A written statement from the reporting source may be admitted if
8 the time, content and circumstances of that statement are sufficiently
9 indicative of its reliability.

10 I. On completion of the presentation of evidence, the administrative
11 law judge shall determine if probable cause exists to sustain the
12 department's finding that the ~~accused engaged in the alleged conduct~~ PARENT,
13 GUARDIAN OR CUSTODIAN ABUSED OR NEGLECTED THE CHILD. If the administrative
14 law judge determines that probable cause does not exist to sustain the
15 department's finding, the administrative law judge shall order the department
16 to amend the information or finding in the report.

17 J. When the department is requested to verify pursuant to section
18 8-807, if the child protective services central registry contains a
19 substantiated report about a specific person, the department shall determine
20 if the report was taken after January 1, 1998. If the report was taken after
21 January 1, 1998, the department shall notify the requestor of the
22 substantiated finding. If the child protective services report was taken
23 before January 1, 1998, the department shall notify the person of the
24 person's right to request an administrative hearing. The department shall
25 not send this notification if the person was a party in a civil, criminal or
26 administrative proceeding in which the allegations of abuse or neglect were
27 at issue. The provisions of this section shall apply to the person's appeal.

28 K. The department shall provide the parent, guardian or custodian who
29 is the subject of the investigation and the person who reported the suspected
30 child abuse or neglect if that person is the child's parent, guardian or
31 custodian with a copy of the outcome of the investigation at one of the
32 following times:

33 1. If the report is unsubstantiated.

34 2. If probable cause exists that abuse or neglect has occurred but a
35 specific person is not identified as having abused or neglected the child.

36 3. After the time to request a hearing has lapsed pursuant to
37 subsection C of this section without the department receiving a request for a
38 hearing.

39 4. After a final administrative decision has been made pursuant to
40 section 41-1092.08.

41 L. For the purposes of this section:

42 1. "Amend the finding" means to change the finding from substantiated
43 to unsubstantiated.

44 2. "Amend the information" means to change information identifying the
45 accused of having abused or neglected a child.